

Advocating for the Well Being of Children

Minnesota Guardian Ad Litem
Annual Conference
November 8 and 9, 2007
Hinckley, Minnesota

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- Overarching goals of the child welfare system:
 - Safety
 - Permanency
 - Well Being
 - The focus of this year's conference
 - Trends in case-related technical assistance questions relating to child well being, e.g., diabetes, asthma, autism, and others
 - Committee identified limits on well being recommendations but ultimately identified many ways in which GALs can make well being recommendations
 - Result is the array of speakers and breakout sessions in the conference to help GALs think about these recommendations more broadly and creatively

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- Guardian ad litem appointment language:
 - Minn. Stat. § 260C.163 Subd. 5 (a)
 - The court shall appoint a guardian ad litem to protect the interests of the minor child...
 - And, in paragraph (b):
 - (2) advocate for the child's best interests
 - (3) sharing information as permitted by law to promote cooperative solutions that are in the best interests of the child
 - (4) monitor the child's best interests
 - (5) present written reports on the child's best interests

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- The paramount consideration in all proceedings concerning a child alleged or found to be in need of protection or services is the *health, safety, and best interests* of the child. Minn. Stat. § 260C.001 Subd. 2. (emphasis added)
- Same paragraph continues: The purpose of the laws relating to juvenile courts is to secure for each child alleged or adjudicated in need of protection or services... the care and guidance, preferably in the child's own home, as will best serve the spiritual, emotional, mental, and physical welfare of the child...

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- In advocating for the best interests of children, GALs, then, can apply the provisions of Minn. Stat. 260C.001 to advocate for the child's health, and spiritual, emotional, mental and physical welfare of the child
- In family court appointments, the GAL appointment language is identical, and in mandatory appointments, the appointment is based on the court's belief that the child is a victim of domestic child abuse or neglect as defined in section 260C, the child protection statute, which, arguably, invokes the well being language of 260C.001 Subd. 2., including the references to health, spirituality, emotional, mental and physical welfare of the child
